UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,500	02/22/2000	Tomas E. Jablonski	JABL-US1	2048

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EXAMINER
LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
2178	9

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/510,500	JABLONSKI ET AL.
	Examiner	Art Unit	
	Matthew J. Ludwig	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 February 2000_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-9 and 11-20_ is/are rejected.

7)☒ Claim(s) _10_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _22 February 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4 & 8_.   6) ☐ Other: .

DETAILED ACTION

1.   This action is responsive to communications. Application filed 2/22/00.

2.   Claims 1-20 are pending in the case. Claims 1, 6, 11, and 16 are independent claims.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   **Claims 1-9, and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Chrabaszcz, USPN 6,101,529 filed (5/18/98) in view of Straub et al., USPN 5,905,492

filed (12/6/96).

In reference to independent claim 1, Chrabaszcz teaches:

- A client request across a network to a server requesting wallpaper displays the

wallpaper utilizing a graphical user interface (compare to "*a desktop program for displaying one*

or more wallpaper images on the display"). See column 3, lines 47-54.

- Components within the client all operate under control of a user interface, which allows

a user to initiate and control the actions of a request mechanism (compare to "*placing the*

wallpaper into the memory of the personal computer"). See column 5, lines 33-36. The

reference does not explicitly disclose the placement of the wallpaper into the memory of the

personal computer; however, the control given to the user over requested wallpaper and the

components of the user's personal computer as taught by Chrabaszcz, would have provided a

proficient means for placing the wallpaper into the designated memory.

- The reference does not explicitly teach the placement of an icon file into the memory of personal computer for display on a graphical user interface. However, Straub teaches icons, which are activated by the user to launch application programs that act as computer equivalents. See column 1, 53-65. The reference discloses images selected as backgrounds or wallpapers and the addition of icons onto the desktop to represent other application programs. It would have been obvious to one of ordinary skill in the art, having the teachings of Chrabaszcz and Straub before him at the time the invention was made, to modify the wallpaper methods taught by Chrabaszcz to include the icon techniques of Straub, because the addition of icons within a wallpaper would have provided enhanced access to various programs provided by a wallpaper program as taught by Chrabaszcz.

- The Straub reference further teaches the activation of themes, which changes the wallpaper of the active desktop and the respective selectable icons (compare to "*displaying a wallpaper image on a display with a clickable icon*"). See column 2, lines 59-65. It would have been obvious to one of ordinary skill in the art, having the teachings of Chrabaszcz and Straub before him at the time the invention was made, to modify the wallpaper methods taught by Chrabaszcz to include the icon techniques of Straub, because the addition of icons within a wallpaper would have provided enhanced access to various programs provided by a wallpaper program as taught by Chrabaszcz. Because the claim limitations are to be given their broadest reasonable interpretation within the scope of the art, the wallpaper methods of Chrabaszcz combined with the icon techniques of Straub provide a reasonable interpretation of the claim limitations when read as a whole.

In reference to dependent claim 2, Chrabaszcz teaches:

Wallpaper images from a picture database accessible by a user. See column 4, lines 57-60. The reference does not explicitly disclose embedding the icon into the wallpaper image; however, Straub discloses the utilization of embedded software components (Java Applets or Visual Basic), for providing websites with enhanced content retrieval capabilities. It would have been obvious to one of ordinary skill in the art, having the teachings of Chrabaszcz and Straub before him at the time the invention was made, to modify the wallpaper methods taught by Chrabaszcz to include the icon techniques of Straub, because the addition of embedded icons within a wallpaper would have provided enhanced access to various programs provided by a wallpaper program as taught by Chrabaszcz.

In reference to dependent claim 3, Chrabaszcz teaches:

Sending requests across a network requesting networks. See column 3, lines 46-50. The reference does not disclose the step of changing the predetermined URL address by downloading a new URL address and associating the new URL address with the clickable icon file. However, the applet methods utilized in the Straub reference would have provided a proficient means of changing a URL when embedded within a dynamic document. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Chrabaszcz and Straub before him at the time the invention was made, to modify the wallpaper methods taught by Chrabaszcz to include the icon techniques of Straub, because the addition of icons within a wallpaper would have provided enhanced access to various programs provided by a wallpaper program as taught by Chrabaszcz.

In reference to dependent claim 4, Chrabaszcz teaches:

A website through which the user could view different wallpapers selectable in a public

space within the website. See column 3, lines 55-67.

In reference to dependent claim 5, Chrabaszcz teaches:

A fetching mechanism that receives requests from a client and returns a file that includes

the wallpaper. The file would have carried with it some form of address based upon a user

profile. See column 4, lines 46-51.

In reference to independent claim 6, the limitations reflect similar methods to those of

independent claim 1, and in further view of the following are rejected along the same rationale.

In reference to dependent clam 7, Chrabaszcz teaches:

Public space contains portions of website which are generally accessible to the public and

contain text and images, which may include wallpaper. See column 3, lines 63-67.

In reference to dependent claims 8 and 9, Chrabaszcz teaches:

Server selects the wallpaper from wallpaper database based upon a personal profile of

user, which contain information on interests and affiliations of the user. See column 4, lines 50-

60.

In reference to claims 11-15, the limitations reflect the system comprising instructions used for

performing the methods as claimed in claims 1-7, and in further view of the following, is rejected

along the same rationale.

In reference to claims 16-20, the claims reflect similar limitations to those of claims 1-7, and

therefore are rejected under the same rationale.

Claim Objections

5.   Claim 1 is objected to because of the following informalities: The Examiner respectfully

notes the term *"**but not generally**"*, found within the limitations of independent claim 1, provide

the Examiner a vague description of the Applicant's invention. The Examiner suggests the

Applicant construct an improved description to define the employment of the clickable icon.

Appropriate correction is required.

Allowable Subject Matter

6.   Claim 10 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Slivka et al.,	USPN 6,061,695	filed (12/06/96)
Knowlton	USPN 6,181,838	filed (04/29/99)
Gerszberg et al.	USPN 6,084,583	filed (12/31/97)

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Matthew J. Ludwig whose telephone number is 703-305-8043.

The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the

organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-4700.

ML
November 26, 2003